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From: **Eric G. Lee**

Direct Telephone No.: **(212) 326-3499**

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CAM No.: **403545-999127**

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Operator's Initials

Re: **Waiver of Hearing of Appeal No. 2008-1363 and Express Abandonment of Application**  
**U.S. Patent Application No. 10/071,962**  
**For: G-CSF RECEPTOR AGONIST ANTIBODIES AND SCREENING METHOD**  
**THEREFOR**  
**Filed: February 8, 2002**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Ni <i>et al.</i>	Confirmation No.:	2802
Serial No.:	10/071,962	Art Unit:	1647
Filed:	February 8, 2002	Examiner:	Spector, Lorraine
For:	G-CSF RECEPTOR AGONIST ANTIBODIES AND SCREENING METHOD THEREFOR	Attorney Docket No.:	12279-127-999
		CAM No.:	403545-999127

**TRANSMITTAL OF WAIVER OF HEARING AND COURTESY COPY OF  
EXPRESS ABANDONMENT UNDER 37 C.F.R. § 1.138 AS FILED**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Concerning Appeal No. 2008-1363, enclosed please find a waiver of the hearing set for the above-identified patent application. Additionally, please find a courtesy copy of an Express Abandonment Under 37 C.F.R. § 1.138, which was electronically filed earlier today, April 16, 2008, requesting that the above-identified patent application be expressly abandoned as of the filing date of that paper.

**CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on April 16, 2008 to facsimile telephone number (571) 273-8300 and (571) 273-0299.

  
Eric G. Lee

59,746

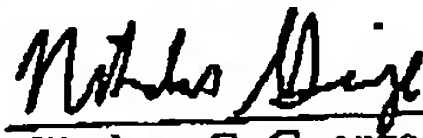
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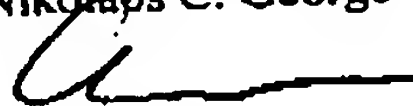
Respectfully submitted,

Date: April 16, 2008

  
Nikolaps C. George

39,201

(Reg. No.)



59,746

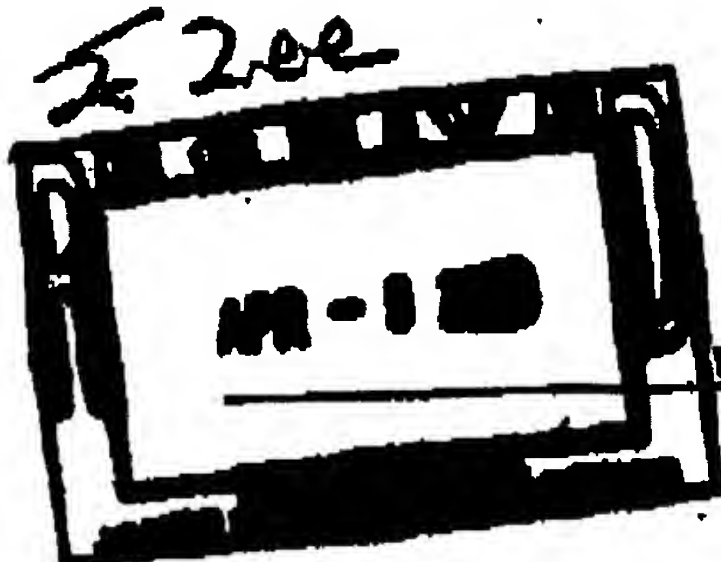
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By: Eric G. Lee  
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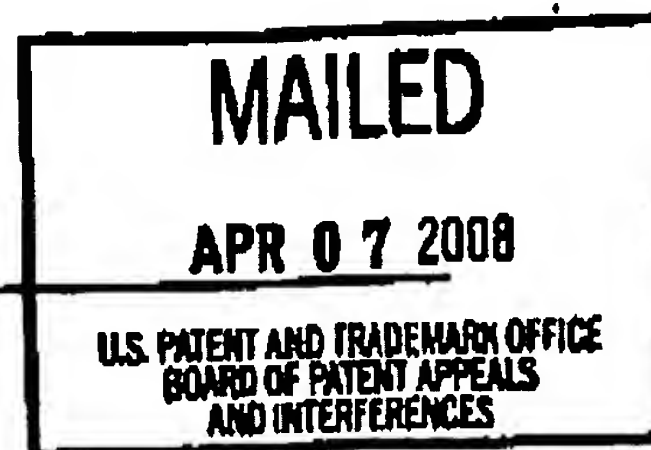
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UNITED STATES PATENT AND TRADEMARK OFFICE  
Board of Patent Appeals and Interferences



Nikolaos C. George  
JONES DAY  
222 E. 41st. Street  
New York, NY 10017

Appeal No: 2008-1363  
Appellant: BaoFu Ni et al  
Application No: 10/071,962  
Hearing Room: B  
Hearing Docket: A  
Hearing Date: Thursday, May 15, 2008  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

12279-127-999  
Notice of Hearings  
4-28-08

**NOTICE OF HEARING**  
**CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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United States Patent and Trademark Office  
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In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED (X) HEARING ATTENDANCE WAIVED

Nikolaos C. George

April 16, 2008 39,201

Signature of Attorney/Agent/Appellant

Date

Registration No.

By: Eric G. Lee (Reg. No. 59,746)

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/acounsel/contact.html#bpa\\_contacts](http://www.uspto.gov/web/offices/dcom/acounsel/contact.html#bpa_contacts)

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**EXPRESS ABANDONMENT UNDER  
37 CFR 1.138**Fax directly to the Pre-Grant Publication Division at (703) 305-8588; or  
mail to: Mail Stop Express Abandonment  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/071,962
Filing Date	February 8, 2002
First Named Inventor	Baofu Ni
Art Unit	1647
Examiner Name	Spector, Lorraine
Attorney Docket Number	12279-127-999

Please check only one of boxes 1 or 2 below.

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**  
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**  
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM  
PTO/SB/24B INSTEAD OF THIS FORM.I am the: ☐ applicant.☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)☒ attorney or agent of record. Attorney or agent registration number is 39,201☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is \_\_\_\_\_

Signature

Nikolaos C. George

Typed or printed name

April 16, 2008

Date

(212) 326-3939

Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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